



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
(845) 373-8118, Ext. 124
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**ZONING BOARD OF APPEALS MEETING
THURSDAY, JANUARY 31, 2019
7 P.M.
2nd FLOOR MEETING ROOM**

**AND 2 MEMBERS BY VIDEOCONFERENCE FROM
FLORIDA AND NORTH CAROLINA**

**John T. Metcalfe – 4175 Medulla Road
Lakeland, FL 33811**

**Paula Pelosi – 518 Glen Hollow Drive
Durham, NC 27705**

REGULAR MEETING: 1. KENT HOLLOW MINE

OTHER MATTERS: MINUTES – NOVEMBER 19, 2018

JUN 06 2019

Received



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ZONING BOARD OF APPEALS THURSDAY, JANUARY 31, 2019



ORIGINAL

PRESENT: Chairman – Terry Metcalfe – via Videoconference
Member – Paula Pelosi – via Videoconference
Member James Wright – present
Alternate – Tracy Salladay – present

ABSENT: Michael Chamberlin
EXCUSED: David Menegat – recusal

ALSO PRESENT: Allan Rappleyea – Attorney for Steiner
George Lithco – Attorney for ZBA
Mr. Budnik – Applicant's Engineer
Sharon Kroeger – Resident
Judy Westfall – ZBA alternate Secretary

Chairman Terry Metcalfe opened the ZBA regular meeting by Videoconference at 7:08 p.m. with the Pledge of Allegiance. Member Paula Pelosi is also attending by Videoconference. Both are visible on the computer screen. The matter before the board is again Kent Hollow Mine. Mr. Metcalfe asked for an update from our attorney, G. Lithco. There was nothing put in writing as far as updates to the record, by Lithco.

- Engineer J. Andrews concurs with map of site (a potential mine expansion) excavating approximately 9000 yards of material between 2004 and 2017
- Nonconforming use having to do with buffer and 21 acres of use for quarry activities on site – year 1973 – what were they, what was permitted?
- New information from Building Department file were provided by J. Westfall to G. Lithco
- Bills from 1971-1989 of material taken from site – provided to J. Fenton
- Signifies the nonconforming use (activities on site before zoning was adopted)
- Rappleyea goes thru the three determinations of Mike's Letter of Violation
- Makes reference to expansion of a mine and being exception in case law because of use of other parts of the property – courts say okay
- Did the circumstances on the property fit that exception or not?
- Certain paperwork that was submitted to the record from the Building Department file indicated that the materials from the property were not used in a mining operation and that the materials taken supported the Steiner Enterprises; this prompted the Notice of Violation
- Were the Steiner's using the materials for home-building activities?
- Paperwork shows 8,000 yards removed (and less reported) in 2004. John Andrews indicated it was the year stockpiles were made on property, but the applicant did not have a DEC mining permit.
- Information being provided to case – a concern of their reliability i.e. 2004 shows letter to town indicating 420 yards taken from property but also shows sales of 8,000 yards in same year. Question to Cease Completely – from Code Enforcement Officer – valid?

- Rappleyea hands J. Westfall an affidavit from Greg Steiner that addresses the size of the mining area and how the materials are removed and hauled away, etc. And there will be “no change in mining plan compared to past mining practices?”. signed today 1-31-2019
- The Appeal is from a Zoning CEO’S Notice of Violation
- The operation/activity is not permitted in the zone that you are in without a permit and town zoning law provides authority to the Building Inspector to issue a stop work order to prevent violation of the law – which he did
- Why are applications withdrawn from time to time? To allow mining to occur every year. When DEC receives application to the time it is withdrawn – no excavation is allowed.
- This is all basis for a resolution to be written to resolve the appeal for the next meeting from facts and conclusions at this meeting – can be revised or move forward to adopt
- Next meeting is discussed but not decided upon – Rappleyea gives dates and wants a full board.

The adjournment of the meeting motion was made and carried by Mr. Wright, seconded by Ms. Pelosi at 8:15 p.m.

The minutes of the November meeting were not approved, because the meeting had already been adjourned.

Respectfully submitted



Judith Westfall
Zoning Board of Appeals Alternate Secretary

The foregoing minutes are taken from a meeting of the Zoning Board of Appeals held on January 31, 2019 and are not to be construed as the official minutes until approved.

 X Approved as read 6/3/2019
 Approved with: additions, corrections and deletions